

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for June 9, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #04027  
Early Childhood Care Facility

**PROPOSAL:** Permit a daycare for up to 12 children in a dwelling not used as the permanent residence of the child care provider.

**LOCATION:** 3336 North 10<sup>th</sup> Street

**LAND AREA:** 7,290 square feet, more or less.

**CONCLUSION:** This request generally conforms to the requirements of the zoning ordinance and special permit conditions.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The west 54 feet of Lots 10, 11, and 12, Block 39, Lincoln Heights Addition, located in the SE1/4 of Section 11 T10N R6E, Lancaster County, Nebraska.

**EXISTING ZONING:** R-2 Residential

**EXISTING LAND USE:** Vacant single-family dwelling

### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family dwellings	R-2 Residential
South:	Single-family dwellings	R-2 Residential
East:	Single-family dwellings	R-2 Residential
West:	Single-family dwellings	R-2 Residential

### **HISTORY:**

May 1979 The zoning update changed the zoning on this property from A-2 Single family Dwelling to R-2 Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Future Land Use Plan shows this area as Urban Residential. (F 25)

**TRAFFIC ANALYSIS:** Both 10<sup>th</sup> and Judson Streets are identified as Local Streets now and in the future. (E 49, F 103) “Local” streets primarily provide access to abutting properties. (F 102)

**ALTERNATIVE USES:** This property could continue to be used for a single-family dwelling.

**ANALYSIS:**

1. This is a request to permit a daycare for up to 12 children in a dwelling not used as the permanent residence of the child care provider.
2. The zoning ordinance allows childhood care facilities for up to 15 children upon issuance of a conditional use permit by the Building and Safety Department. However, one of the conditions requires the facility to be the permanent residence of the care provider.
3. Applicant will provide child care services 24 hours per day. Although she will reside at this address most of the time, she will maintain another address where her family resides. Since residing at this address is for business purposes, it is not considered her permanent residence for purposes of a conditional use permit. Therefore, a special permit is required to allow the use.
4. LMC section 27.63.070 allows a special permit for a childcare facility for up to 15 children not meeting the requirements of the conditional use permit, under the following conditions:

- (a) The application shall be accompanied by the [required] information.

The application materials submitted provide the necessary information.

- (b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

This is a condition of approval.

- (c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

This paragraph does not apply to this facility.

- (d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site plan complies with the Design Standards for a facility of this size. However, the site plan does indicate a portion of the fencing encroaches into public right-of-way.

- (e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts. Such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

Based upon 12 children and 2 staff members, this facility is required to provide 2 employee stalls and 2 loading/unloading stalls. These are shown on the site plan.

- (f) If the proposed facility is located in an industrial district, the applicant shall submit to the health Department, for its review and recommendation, information on the storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

This paragraph does not apply to this facility.

- (g) The City Council may modify these conditions, except for condition (b).

Applicant has not requested to modify any conditions.

- 4. The Public Works Department recommends denial of this application until the fencing is removed from the public right-of-way. City staff have included as a condition of approval removal of the fencing and submission of a revised site plan.
- 5. The Design Standards for a childhood care facility of this size do not address play area requirements. Facilities with 13 or more children are required to enclose the play area and the route from the facility to the play area with a 6 foot high opaque fence. Although the fencing requirements do not apply, the Health Department would like the route from the facility to the play area shown on the site plan.

### **CONDITIONS:**

#### Site Specific:

- 1. This approval permits an early childhood care facility for up to 12 children and 2 staff members on the largest shift. The licensed care provider need not reside in this facility.

#### General:

- 2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
  - 2.1.1 Submit a revised site plan including 8 copies showing the following revisions:
    - 2.1.1.1 Remove the fencing from the public right-of-way and revise the site plan accordingly.
    - 2.1.1.2 Indicate on the site plan the maximum number of children and employees on the largest shift.
    - 2.1.1.3 Show the route from the facility to the play area.
- 2.2 The construction plans shall comply with the approved plans.
- 2.3 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this early childhood care facility, all development and construction is to comply with the approved plans.
  - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

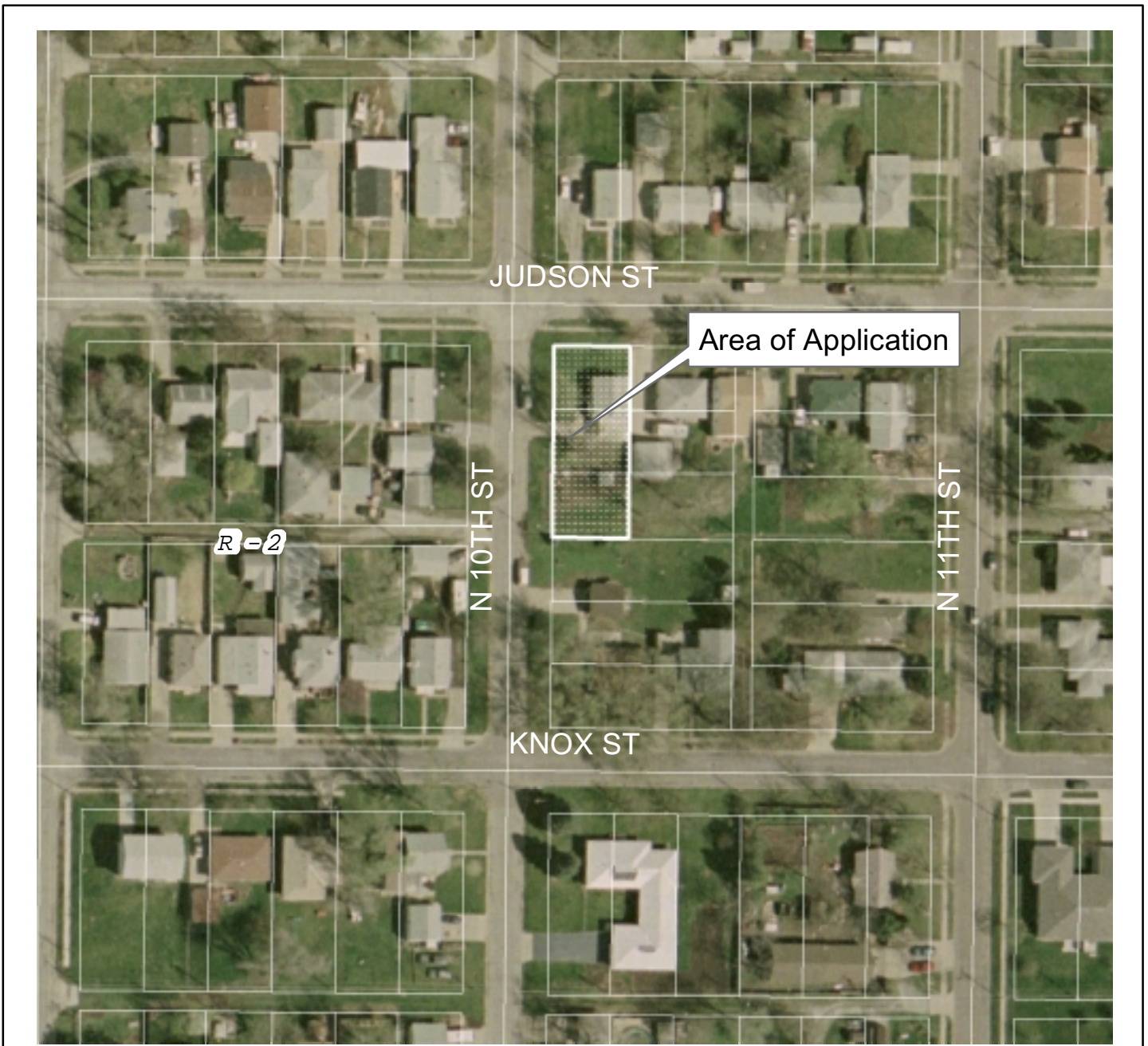
Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

**Date:** May 26, 2004

**Applicant:** Becky Ryan  
4211 N. 11<sup>th</sup> Street  
Lincoln, NE 68521  
742.7236

**Owner:** Robert Ryan  
910 Judson Street  
Lincoln, NE 68521  
438.0820

**Contact:** Becky Ryan  
3336 N. 10<sup>th</sup> Street  
Lincoln, NE 68521  
477.0732



**Special Permit #04027**  
**3336 N. 10th St.**

2002 aerial

**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 11 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction

